

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
BISON CAPITAL CORPORATION,	:	10 CV 714 (SHS) (AJP)
	:	
Plaintiff,	:	ECF CASE
	:	
-against-	:	
	:	
ATP OIL & GAS CORPORATION,	:	
	:	
Defendant.	:	
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ATP OIL & GAS CORPORATION'S DESIGNATION OF EXPERT WITNESSES

Under Rule 26(a)(2) of the FEDERAL RULES OF CIVIL PROCEDURE, ATP Oil & Gas Corporation ("ATP"), Defendant herein, files this Designation of Expert Witnesses. ATP reserves the right to supplement and/or amend this expert designation and report in accordance with Rule 26(e) of the FED. R. CIV. P. and/or this Court's scheduling Order.

ATP hereby designates the following testifying expert witness:

Bruce S. Foerster
SOUTH BEACH CAPITAL MARKETS
701 Brickell Key Boulevard, Suite 2306
Miami, FL 33131-2682
T: (305) 358-3232

Mr. Foerster has over thirty-nine years of experience in the financial advisory and investment banking industry. Mr. Foerster's curriculum vitae and qualifications have been provided to Bison's counsel via fax and email in this case as Appendices A and B to his expert report (not filed with the Court), including a list of publications authored by him within the preceding ten years and a listing of any other cases in which he has testified as an expert at trial or by deposition within the preceding four years. Mr. Foerster is being compensated for his study and testimony pertaining to this matter on an hourly basis at the rate of \$500.00 per hour.

Mr. Foerster may testify on issues pertaining to the dispute that arose between ATP and Bison Capital Corporation (“Bison”) concerning a financial advisory agreement, dated February 1, 2004. Mr. Foerster's opinions in this case, and the bases and reasons therefore, are reflected by his written report, which has been provided by fax and email to Bison's counsel in this case as Exhibit A (not filed with the Court) to this designation. His report includes opinions regarding, in part: the customs and traditions in the practice of financial advisory and investment banking, in particular, concerning financial advisory agreements and the fees, services, and “tail” provisions associated with such agreements; the standards of conduct governing the financial advisory and investment banking industry; the financial advisory agreement, at issue in this case, and why Bison is not entitled to payment of the alleged fees under such agreement; and the standards of conduct that Bison violated in its claim for payment of the alleged fees in this case.

Documents and other information considered or relied upon by Mr. Foerster in forming his opinions (as listed in Appendix C to the expert report) will be available to Bison upon request at a reasonable and mutually agreeable time and place. Further, Mr. Foerster will be available for deposition upon request at a reasonable and mutually agreeable time and place.

Bison has not designated any expert witness in this case. Nonetheless, Mr. Foerster reserves the right to rebut or contradict any opinions made by Bison through purported expert or lay opinions, if any, and if same were allowed to be admitted by this Court. Moreover, ATP reserves the right to call additional expert witnesses on any rebuttal issue, the need for which is not known at this stage of litigation, and cannot reasonably be known at this stage.

Dated: New York, New York
August 16, 2010

FLEMMING ZULACK WILLIAMSON
ZAUDERER LLP

By: _____/s/_____

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